

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ZACH WESTBROOK,

Plaintiff,

v.

Civ. No. 15-905 MCA/GJF

ADVANCED SOLIDS CONTROL, LLC,

Defendant.

ORDER TO FILE STIPULATION OF DISMISSAL OR JOINT STATUS REPORT

On December 12, 2016, the Court *sua sponte* entered an order staying this case based on Defendant Advanced Solids Control, LLC's ("Defendant's") "Notice of Suggestion [of] Pendency of Bankruptcy for Advanced Solids Control, LLC, and Automatic Stay of Proceedings" [ECF No. 21], filed on December 7, 2016. ECF No. 22.

On February 21, 2018, the Court *sua sponte* ordered the parties to file a joint status report to advise the Court of: (1) the status of the bankruptcy proceeding involving Defendant; (2) the potential ramifications on this action of the outcome of the bankruptcy proceeding; (3) Plaintiff's intentions with regard to maintaining or dismissing this action; and (4) the expected date on which the stay can be lifted and the litigation either resumed or dismissed. ECF No. 23.

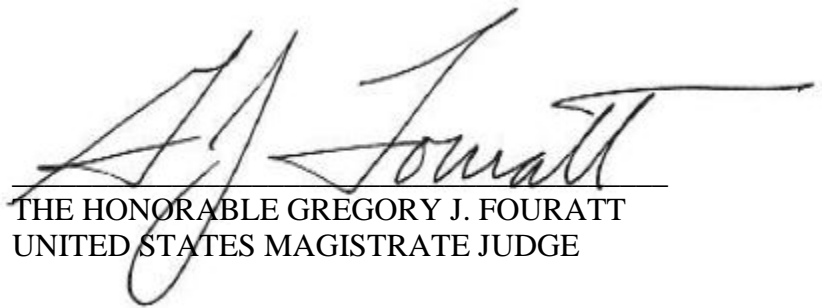
On March 12, 2018, the parties filed a Joint Status Report in which Plaintiff represented that he intended to dismiss this action within thirty days after the bankruptcy case against Defendant/Debtor Advanced Solids Control, LLC, was terminated. ECF No. 24 at 1-2.

According to the Court's review of the docket sheet of the bankruptcy case *In Re Advanced Solids Control, LLC*, 5:16-BK-52748 (Bankr. W.D. Tex.) (filed Dec. 2, 2016), the bankruptcy court entered a final decree on July 3, 2018 [ECF No. 313] and the case was thereafter closed on July 5, 2018. Because it appears that the bankruptcy petition involving

Defendant/Debtor Advanced Solids Control, LLC, has now terminated, the Court believes that the condition precedent to Plaintiff moving to dismiss *this* action has occurred.

Accordingly, **IT IS ORDERED** that, not later than October 12, 2018, the parties shall file either (a) a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), or (b) a revised Joint Status Report that addresses (1) Plaintiff's intentions with regard to maintaining or dismissing this action, and (2) the expected date on which the stay in this case can be lifted and the litigation either resumed.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE